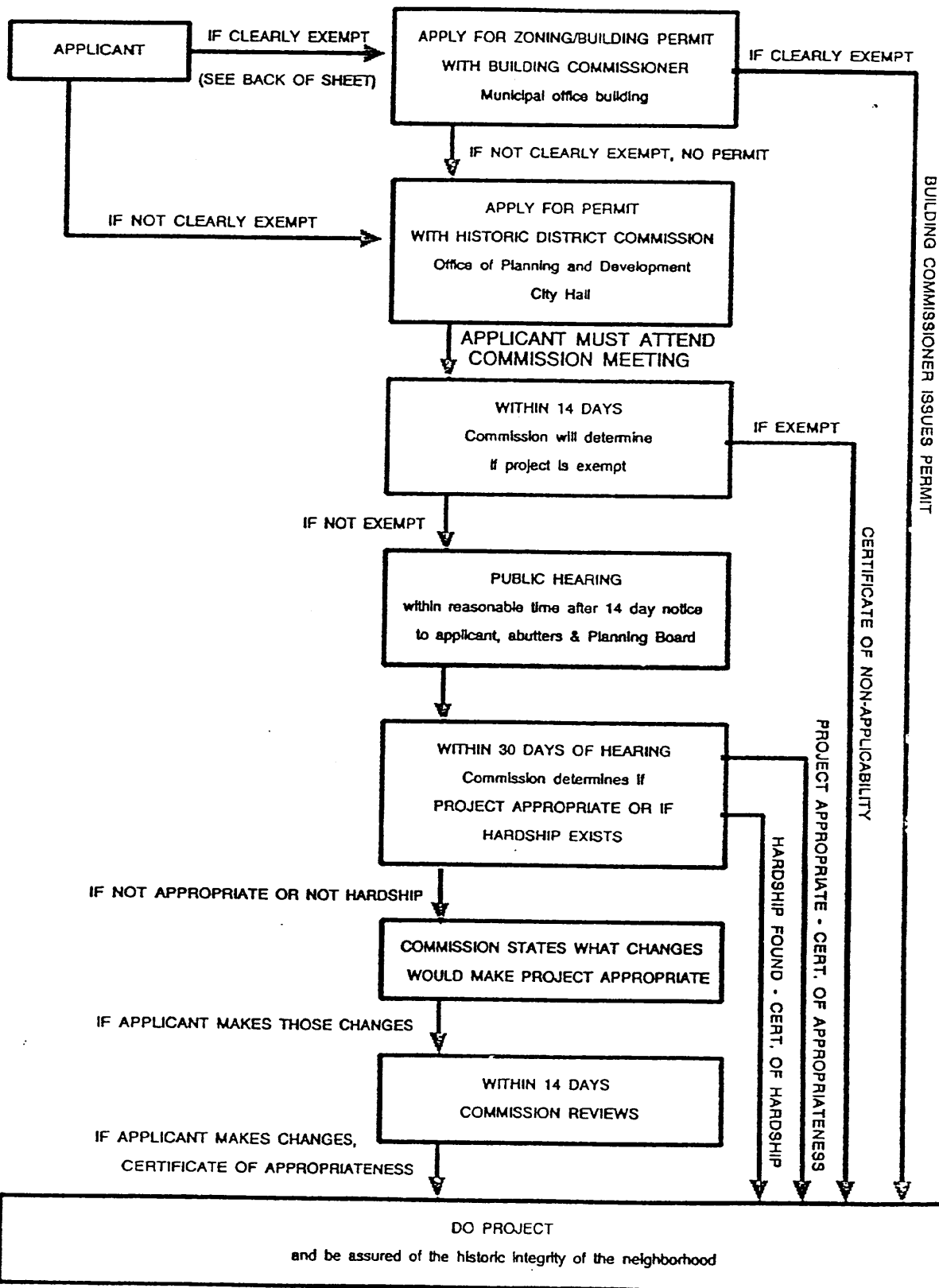


Local Historic District Process



ELM STREET HISTORIC DISTRICT

CITY OF NORTHAMPTON

SECTION 26-1. PURPOSE

The purpose of this ordinance is to promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history and architecture of the City of Northampton and the Commonwealth of Massachusetts, through the maintenance and improvement of settings for such buildings and places, and through the encouragement of design compatible therewith.

SECTION 26-2. ELM STREET HISTORIC DISTRICT BOUNDARIES

An Elm Street Historic District (District) is established within the City of Northampton, in accordance with Chapter 40C of the Massachusetts General Laws. The Elm Street Historic District shall be bounded as shown on a map entitled "Elm Street Historic District, City of Northampton" attached and made part of this ordinance.

SECTION 26-3. HISTORIC DISTRICT COMMISSION MEMBERSHIP

An Historic District Commission (Commission) is established in the City of Northampton, in accordance with Chapter 40C of the Massachusetts General Laws.

- a. The Historic District Commission shall consist of five members and two alternates. The mayor shall appoint all members and alternates, subject to City Council confirmation.

The Commission shall include at least one member who resides or owns property in the district. The Commission shall also include one member appointed from two nominations submitted each by the Northampton Historical Society, the Northampton Historical Commission, the area chapter of the American Institute of Architects and the local Board of Realtors. If thirty (30) days after submission of a written request for nominees to any of the above no such nominations have been made, the Mayor may proceed to appoint the study committee without said nominations. Alternates need not be nominees from any of the above organizations.

- b. Initial appointments to the Commission shall be as follows: two members shall be appointed for a term to expire April 1 of the calendar year following the appointment, one member and one alternate shall be appointed for a term to expire April 1 of the calendar year two years after the appointment, and two members and one alternate shall be appointed for a term to expire April 1 of the calendar year three years after the appointment.

Successive appointments shall be made for a term of three years, expiring on April 1 of the relevant year. If a member resigns or otherwise leaves office prior to the expiration of their term, the person appointed to fill the vacancy shall be appointed for the balance of the original term. Successive appointments and appointments made to fill a vacancy shall be made in the same manner as the original appointment. All members shall serve until their successors are

appointed and confirmed.

- c. Members of the Commission shall elect annually a chair, a vice-chair, and a secretary from its members.
- d. Three members or alternates of the Commission shall constitute a quorum. The positive vote of three members or alternates of the Commission is necessary to issue any Certificate.
- e. Alternates shall be offered the opportunity to serve on a rotating basis when a member is absent. When they are substituting for a member, they shall have all of the responsibilities of a member.

SECTION 26-4. POWERS AND DUTIES

The Historic District Commission shall have all power and duties provided by Chapter 40C of the Massachusetts General Laws. The Commission shall have the authority to adopt such rules and regulations not inconsistent with the provisions of the Chapter 40C.

No building or structure within an historic district shall be constructed, altered, or demolished in any way that affects exterior architectural features, except those activities exempted in Section 26-5, without the appropriate certificate (permit) from the Historic District Commission. In passing upon matters before it, the Commission shall consider the factors listed in Chapter 40C and contained in this ordinance.

In considering requests for Certificates of Appropriateness the Commission shall not require that projects mimic historical building styles and patterns, but shall insure that projects respect the details and the character of the district by considering the following standards:

1. Maintain construction design, building alignment, setback, height, and articulation that are consistent or compatible with traditional patterns of surrounding buildings.
2. Preserve, to the extent practical and consistent with encouraging consistent setbacks and heights, and high quality views of landmark buildings.
3. Avoid mirrored or highly reflective glass.
4. Avoid exterior or facade changes to buildings that would damage historic features or are not otherwise readily reversible except when such changes replicate historic features, restore previously damaged historical features, or are otherwise compatible with the detail and character of the district.

No building permit or permit for demolition shall be issued for any building or structure within an Historic District until the appropriate certificate has been issued by the Commission or the Building Commissioner determines that a project is exempt under Section 26-5. Except for exempt projects, a certificate from an Historic District Commission shall be required whether or not a building permit is required.

The Commission may appoint a subcommittee or agent and authorize that subcommittee or agent to issue Certificates of Non-Applicability under some or all of the exemptions listed in Section 26-5.

SECTION 26-5. EXEMPTIONS

Nothing in this Ordinance shall be construed as creating a new responsibility for landowners to maintain their buildings. In addition, the following elements are specifically exempt from review by the Historic District Commission:

- a. Interior work, arrangements or use.
- b. Exterior architectural features not visible from a public way or place, provided they would not be visible even in the absence of all freestanding walls and fences, signs, accessory structures, and landscaping.
- c. The ordinary maintenance, repair or replacement of any exterior architectural feature which does not involve a change of design or appearance.
- d. Landscaping with plants, trees or shrubs.
- e. Meeting any requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition.
- f. Temporary structures or signs, where such structures or signs will be on the property for less than 90 days, and where the construction or placement of such structures and signs will not alter any other exterior feature protected by this ordinance.
- g. Terraces, walks, driveways and similar structures, provided that such structure is substantially at grade level.
- h. Freestanding walls or fences that are not part of any other structure, when such walls or fences are allowed as-of-right by the Northampton Zoning Ordinance (no special permits or findings are required).
- i. Storm doors and windows, screens, window air conditioners, lighting fixtures, and antennae, but satellite dish antennae with a diameter of greater than one foot are not exempt.
- j. The paint color.
- k. The color of roof materials.
- l. Signs of not more than one square foot, when such signs are allowed as-of-right by the Northampton Zoning Ordinance (i.e., no special permits or findings are required) and when the construction or placement of such structures and signs will not alter any other exterior feature protected by this ordinance in such a way that it cannot be readily repaired.
- m. The reconstruction, substantially similar in exterior design and appearance, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.
- n. The installation of roof-top solar panels.

- o. Any freestanding outdoor art, provided such art is not also a sign, that does not alter any exterior feature protected by this ordinance in such a way that it cannot be readily repaired, and is not also an integral part of the exterior facade of a building.

In addition, the Historic District Commission or its duly authorized subcommittee or agent may issue a Certificate of Non-Applicability for the following elements, and thereby exempt them from further review by the Commission, provided that when the ordinance requires a finding by the Commission, a subcommittee or agent may not issue the Certificate:

1. Replacement of windows with a new window of the same general design and appearance but a change in materials under the following circumstances:
 - A. The new windows are identical in size to the old windows; and
 - B. The style of the windows remains unchanged (e.g., if the old windows were double-hung, the new windows must be double-hung); and
 - C. The details of the windows appear the same from the street (e.g. the use of divided panes or panes that look to be divided).
 - D. The Historic District Commission finds that such replacement will not alter the historic character of the building, with the Commission reserving the right to require true divided panes.
2. Restoration of features of the same general design and appearance as existed historically on a structure under the following circumstances:
 - A. There is adequate documentation or evidence to believe that the restoration is historically accurate; and
 - B. The restoration will not damage other historic features; and
 - C. The Historic District Commission finds that such replacement will not alter the historic character of the building, with the Commission reserving the right to place conditions on the restoration.
3. Handicapped access ramps designed solely for the purpose of facilitating ingress or egress of a physically handicapped person, as defined in M.G.L. section thirteen A of chapter twenty-two under the following circumstances:
 - A. The ramp is built to minimize impacts on historical features; and
 - B. The ramp is built in such a way as to avoid damage to historical features on the building or otherwise insures that historical features can be readily restored if the ramp is removed.

SECTION 26-6. PROCEDURES

The following procedures shall apply to properties within the Historic District. All procedures shall be in accordance with Chapter 40C of the Massachusetts General Laws.

- a. Prior to any construction, alteration, or demolition that in any way that affects exterior architectural features, except those activities exempted in Section 26.5, a landowner or applicant must apply for and receive a **Certificate of Appropriateness**, a **Certificate of Non-Applicability** or a **Certificate of Hardship** from the Historic District Commission.

- b. To apply for a **Certificate**, the applicant must complete and file the Commission's application form, with the appropriate number of copies and supplementary material. Said application must be filed in the Northampton Office of Planning and Development.
- c. A person may apply for a **Certificate of Non-Applicability** to determine if a project involves a regulated architectural feature. Within fourteen days the Commission or its duly authorized subcommittee or agent shall issue a **Certificate of Non-Applicability** if it finds that the project would not involve any exterior architectural feature or would only involve exterior architectural features that are exempt from review. A denial of a **Certificate of Non-Applicability** by a subcommittee or agent may be appealed to the full Commission within 14 days of its denial. In reviewing a denial, the Commission shall follow the same procedures as for any other request for a Certificate of Non-Applicability which is heard by the full Commission.
- d. A person may apply for a **Certificate of Appropriateness** to determine if a project will be appropriate for or compatible with the preservation of the historic district.
 - 1. Within fourteen days, the Commission shall issue a **Certificate of Non-Applicability**, as described above, or determine that a public hearing on the application is required.
 - 2. Within thirty days after the required public notice and public hearing, the Commission shall issue a **Certificate of Appropriateness** with suitable conditions, if any, or disapprove the application. The public hearing may be waived in accordance with Chapter 40C.
 - 3. If the application is going to be disapproved, the Commission must first notify the applicant of the reasons for such disapproval and recommend changes in the applicant's proposal which, if made, would make the application acceptable to the Commission. If within fourteen days the applicant files a written modification of the project in conformity with the recommended changes, the Commission shall issue a **Certificate of Appropriateness**.
 - 4. If the Commission finds that a project is inappropriate (Certificate is disapproved), it shall consider whether a **Certificate of Hardship** should be issued.
- e. A person may apply for a **Certificate of Hardship** to determine whether there is a unique hardship. The Commission shall issue a **Certificate of Hardship** when it finds that owing to conditions especially affecting the building or structures involved, but not affecting the historic district generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this Ordinance.
- f. A landowner in the District or their representative may request informal assistance from the Commission in planning alterations or new construction. The Commission shall offer informal advice and comments to any proposal. This advice, however, cannot be binding on the Commission when they formally review an application for a Certificate.

SECTION 26-7. ENFORCEMENT

This Ordinance may be enforced by criminal and non-criminal penalties and injunctive relief, in accordance with Chapter 40C of the Massachusetts General Laws and Chapter 25 of the Northampton Code of Ordinances.

SECTION 26-8. APPEALS

Any person aggrieved by a determination of the Commission may, within twenty days after the filing of the notice of such determination with the City Clerk, file a written request with the Commission for a de novo review by a person or persons of competence and experience in such matters, designated by the Pioneer Valley Planning Commission.

The Pioneer Valley Planning Commission's designee(s)' finding shall be filed with the City Clerk within forty-five days after the request, and shall be binding on the applicant and the Commission, unless a further appeal is sought in Superior Court, as provided in M.G.L. Chapter 40C.

SECTION 26-9. SEVERABILITY

In the event that any provision of this ordinance shall be declared invalid or unconstitutional all other provisions shall continue in full force and effect.

SECTION 26-10. EFFECTIVE DATE

This ordinance shall take effect upon appointment of the initial members of the Historic District Commission and filing of the map of the boundaries of the Historic District with the Northampton City Clerk and the Hampshire County Registry of Deeds.

NON-CRIMINAL DISPOSITION

{Code of Ordinance sections subject to Non-Criminal Disposition include:}

Section 26-1 to 26-7

Enforcing Officer: Building Inspector and/or Chair of the Historic District Commission

Fine: \$25.00

Ordinance adopted June 2, 1994

Non-Criminal Disposition adopted June 2, 1994

Section 26-4, 26-5, 26-6, & 26-8 amended February 6, 1997

(C:\WFfiles\WPfiles\ELM\ELM STREET HISTORIC DISTRICT, AS REVISED February 26, 1997)